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Docket No.: H0498.70112US01
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Charles M. Lieber et al.
Serial No.: 10/812,653
Confirmation No.: 3416
Filed: March 29, 2004
For: NANOSCOPIC WIRE-BASED DEVICES AND ARRAYS
Examiner: H. Weiss
Art Unit: 2814

Certificate of Mailing Under 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: February 28, 2008

Signature

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed are the following items for filing in connection with the above-referenced Patent Application:

1. Response to Election/Restriction Requirement
2. Return Receipt Postcard

The Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper

hereafter filed in this application by this firm) to our Deposit Account No. 23/2825, under Docket No. H0498.70112US01. A duplicate copy of this paper is enclosed.

Dated: February 28, 2008

Respectfully submitted,

By 

Timothy J. Oyer, Ph.D.

Registration No.: 36,628

Tani Chen, Sc.D.

Registration No.: 52,728

WOLF, GREENFIELD & SACKS, P.C.

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RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Election/Restriction Requirement set forth in the Office Action mailed January 28, 2008, the Applicants acknowledge the constructive election of Group I, claims 1, 3, 5, 7-10, 13, 14, 16-18, 20-23, 56-59, 90-104, 107-112, 114-145, and 150. Applicants also elect Species A, a crossbar diode array as depicted in Fig. 9B, with one metallic conductive wire, with traverse, for the reasons stated below.

The Patent Office requests that Applicants list all claims readable on the elected species. As a diode array could be formed by the junction of non-identical materials, the Patent Office is effectively asking the Applicants to identify, for claims that would not be properly part of Species A, all of the claims that require the crossed conductors to be formed of identical materials. However, none of the claims as presented is specifically limited in such a fashion. Accordingly, all

of the claims as pending in Group I would be readable on Species A, i.e., claims 1, 3, 5, 7-10, 13, 14, 16-18, 20-23, 56-59, 90-104, 107-112, 114-145, and 150.

However, if the previous paragraph is not considered to be properly responsive to the Election/Restriction Requirement, then the Applicants submit the following group of claims, which appear to form a group commensurate with the elected species for search and examination purposes only: claims 1, 3, 5, 7-10, 13, 14, 16-18, 20-23, 56-59, 90-101, 103, 104, 107-112, 114-145, and 150. Applicants do not concede that this election is an admission of the scope of the claims in any way.

Favorable action respectfully requested. If the Examiner believes, after this response, that the application is not in condition for allowance, the Examiner is requested to call the undersigned at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: February 28, 2008

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